

WAG
AF

Attorney Docket No. C1041.70005US00

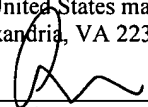
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wagner et al.
Serial No.: 09/355,254
Conf. No.: 6183
Filed: February 22, 2000
For: PHARMACEUTICAL COMPOSITIONS COMPRISING A
POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN
ESPECIALLY FOR VACCINATION

Examiner: Jane Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 10th day of November, 2004.


Alan W. Steele, Reg. No. 45,128

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

Transmitted herewith are the following documents:

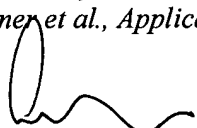
- ☒ Interview Summary
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Wagner et al., Applicant

By:


Alan W. Steele, Reg. No. 45,128
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 646-8000
Representative for Applicant

Attorney Docket No. C1041.70005US00
Dated: March 25, 2005
x04/30/05x



Attorney Docket No. C1041.70005US00

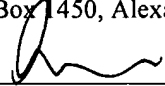
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The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25th day of March, 2005.


Alan W. Steele, Reg. No. 45,128

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTERVIEW SUMMARY

This paper is filed in response to the Interview Summary prepared by the Examiner on March 25, 2005.

Claims 24, 26, 27, 40-45, 48, 49, 51-53, 59, 63, 65, and 68-70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (*J Exp Med* 188:1623-1631 (1997)) in view of a number of other references recited in the Office Action.

Applicant's representative wishes to thank the Examiner for the opportunity to discuss priority document EP 97101019.4 in a telephone interview conducted on March 25, 2005. More specifically, Applicant, in response to the Office Action mailed January 31, 2005, furnished the Examiner with a copy of the English language priority document EP 97101019.4, filed January 23, 1997. During the interview it was agreed that the priority document EP 97101019.4

discloses all the claimed sequences and the combination of the sequences and an antigen, as claimed, and predates the Chu et al. reference upon which the sole outstanding rejection, made under 35 U.S.C. 103, is based in part. Accordingly, agreement was reached with respect to reliance upon the priority document to overcome the sole outstanding rejection.

Applicant respectfully points out that the Interview Summary prepared by the Examiner erroneously refers to "the 102 rejection of record", rather than to the 103 rejection of record.

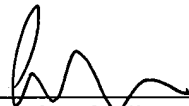
The Examiner inquired during the course of the interview if there is a length limitation of the polynucleotide sequences. Applicant's representative pointed out a location in the priority document of support for lengths ranging from 5-100 nucleotides.

The Examiner indicated she would promptly perform an updated interference search of all the sequences and issue a further action.

Applicant believes the application is in condition for allowance. A Notice of Allowance is earnestly solicited. Should the Examiner have any questions, she is requested to call Applicant's representative at the number shown below.

Respectfully submitted,
Wagner et al., Applicant

By: _____


Alan W. Steele, Reg. No. 45,128
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